

SENATE BILL 260

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CF 0lr2411

By: **Senators Brochin and Stone**

Introduced and read first time: January 22, 2010

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Sex Offenders – Homeless and Temporary Residents – Registration and**
3 **Reporting Requirements**

4 FOR the purpose of requiring certain sex offenders to register in person with a certain
5 local law enforcement unit within certain time periods; providing that a certain
6 sex offender may be required to provide certain additional information to a
7 certain local law enforcement unit; establishing that a person is a resident for
8 purposes of a certain offender registry if the person has a home or other place
9 where the person habitually lives located in the State at the time of a certain
10 event; establishing that a certain registrant shall register with a certain
11 supervising authority within a certain period of time after the registrant begins
12 to habitually live in the State; requiring a certain homeless registrant to
13 register in person with a local law enforcement unit within certain time periods;
14 requiring a certain homeless registrant to register with a local law enforcement
15 unit at certain intervals; establishing that certain registration requirements for
16 a homeless registrant are in addition to certain other requirements; requiring a
17 registrant who was homeless and obtains a fixed address to register with a local
18 law enforcement unit within a certain time period; requiring certain
19 notifications by certain registrants to be made by reporting in person; requiring
20 certain registrants to notify a certain local law enforcement unit when the
21 registrant temporarily moves; requiring a certain notification to be made in a
22 certain manner; adding to the requirements of a certain registration statement;
23 requiring local law enforcement units to provide certain notifications to the
24 Department of Public Safety and Correctional Services; expanding certain
25 notification requirements relating to the residence of a certain registrant to
26 include any county where the registrant habitually lives or intends to habitually
27 live; making certain conforming changes; defining certain terms; altering
28 certain terms; and generally relating to sex offender registration and reporting
29 requirements.

30 BY repealing and reenacting, with amendments,

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Article – Criminal Procedure
2 Section 11–701, 11–705, 11–706, 11–708 through 11–710, 11–717, and 11–718
3 Annotated Code of Maryland
4 (2008 Replacement Volume and 2009 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article – Criminal Procedure**

8 11–701.

9 (a) In this subtitle the following words have the meanings indicated.

10 (b) “Board” means the Sexual Offender Advisory Board.

11 (c) “Child sexual offender” means a person who:

12 (1) has been convicted of violating § 3–602 of the Criminal Law
13 Article;

14 (2) has been convicted of violating any of the provisions of the rape or
15 sexual offense statutes under §§ 3–303 through 3–307 of the Criminal Law Article for
16 a crime involving a child under the age of 15 years;

17 (3) has been convicted of violating the fourth degree sexual offense
18 statute under § 3–308 of the Criminal Law Article for a crime involving a child under
19 the age of 15 years and has been ordered by the court to register under this subtitle;

20 (4) has been convicted in another state or in a federal, military, or
21 Native American tribal court of a crime that, if committed in this State, would
22 constitute one of the crimes listed in items (1) and (2) of this subsection; or

23 (5) (i) has been adjudicated delinquent for an act involving a
24 victim under the age of 15 years that would constitute a violation of § 3–303, § 3–304,
25 § 3–305, or § 3–306 of the Criminal Law Article if committed by an adult; and

26 (ii) meets the requirements for registration under § 11–704(c) of
27 this subtitle.

28 (d) “Commission” means the Maryland Parole Commission.

29 (e) “Employment” means an occupation, job, or vocation that is full time or
30 part time for a period exceeding 14 days or for an aggregate period exceeding 30 days
31 during a calendar year, whether financially compensated, volunteered, or for the
32 purpose of government or educational benefit.

33 (f) “Extended parole supervision offender” means a person who:

1 (1) is a sexually violent predator;

2 (2) has been convicted of a violation of § 3–303, § 3–304, § 3–305, §
3 3–306(a)(1) or (2), or § 3–307(a)(1) or (2) of the Criminal Law Article;

4 (3) has been convicted of a violation of § 3–309, § 3–310, or § 3–311 of
5 the Criminal Law Article or an attempt to commit a violation of § 3–306(a)(1) or (2) of
6 the Criminal Law Article;

7 (4) has been convicted of a violation of § 3–602 of the Criminal Law
8 Article for commission of a sexual act involving penetration of a child under the age of
9 12 years; or

10 (5) has been convicted more than once of a crime as a child sexual
11 offender, an offender, or a sexually violent offender.

12 **(G) (1) “HABITUALLY LIVES” MEANS ANY PLACE WHERE A PERSON**
13 **LIVES OR SLEEPS WITH ANY REGULARITY, INCLUDING WHERE A HOMELESS**
14 **PERSON IS STATIONED DURING THE DAY OR SLEEPS AT NIGHT.**

15 **(2) “HABITUALLY LIVES” INCLUDES ANY PLACE WHERE A PERSON**
16 **VISITS FOR LONGER THAN 5 HOURS PER VISIT MORE THAN 5 TIMES WITHIN A**
17 **30-DAY PERIOD.**

18 **(H) “HOMELESS” MEANS HAVING NO FIXED RESIDENCE.**

19 **[(g)] (I)** “Local law enforcement unit” means the law enforcement unit in a
20 county that has been designated by resolution of the county governing body as the
21 primary law enforcement unit in the county.

22 **[(h)] (J)** “Offender” means a person who is ordered by a court to register
23 under this subtitle and who:

24 (1) has been convicted of violating § 3–503 of the Criminal Law
25 Article;

26 (2) has been convicted of violating § 3–502 of the Criminal Law Article
27 or the fourth degree sexual offense statute under § 3–308 of the Criminal Law Article,
28 if the victim is under the age of 18 years;

29 (3) has been convicted of the common law crime of false imprisonment,
30 if the victim is under the age of 18 years and the person is not the victim’s parent;

31 (4) has been convicted of a crime that involves soliciting a person
32 under the age of 18 years to engage in sexual conduct;

1 (5) has been convicted of violating the child pornography statute
2 under § 11–207 of the Criminal Law Article;

3 (6) has been convicted of violating any of the prostitution and related
4 crimes statutes under Title 11, Subtitle 3 of the Criminal Law Article if the intended
5 prostitute or victim is under the age of 18 years;

6 (7) has been convicted of a crime that involves conduct that by its
7 nature is a sexual offense against a person under the age of 18 years;

8 (8) has been convicted of an attempt to commit a crime listed in items
9 (1) through (7) of this subsection; or

10 (9) has been convicted in another state or in a federal, military, or
11 Native American tribal court of a crime that, if committed in this State, would
12 constitute one of the crimes listed in items (1) through (8) of this subsection.

13 **[(i)] (K)** (1) Except as otherwise provided in this subsection, “release”
14 means any type of release from the custody of a supervising authority.

15 (2) “Release” means:

16 (i) release on parole;

17 (ii) mandatory supervision release;

18 (iii) release from a correctional facility with no required period of
19 supervision;

20 (iv) work release;

21 (v) placement on home detention; and

22 (vi) the first instance of entry into the community that is part of
23 a supervising authority’s graduated release program.

24 (3) “Release” does not include:

25 (i) an escape; or

26 (ii) leave that is granted on an emergency basis.

27 **[(j)] (L)** “Sexually violent offender” means a person who:

28 (1) has been convicted of a sexually violent offense;

1 (2) has been convicted of an attempt to commit a sexually violent
2 offense; or

3 (3) (i) has been adjudicated delinquent for an act involving a
4 victim 15 years of age or older that would constitute a violation of § 3–303, § 3–304, §
5 3–305, or § 3–306 of the Criminal Law Article if committed by an adult; and

6 (ii) meets the requirements for registration under § 11–704(c) of
7 this subtitle.

8 **[(k)] (M)** “Sexually violent offense” means:

9 (1) a violation of §§ 3–303 through 3–307 or §§ 3–309 through 3–312 of
10 the Criminal Law Article;

11 (2) assault with intent to commit rape in the first or second degree or
12 a sexual offense in the first or second degree as prohibited on or before September 30,
13 1996, under former Article 27, § 12 of the Code; or

14 (3) a crime committed in another state or in a federal, military, or
15 Native American tribal jurisdiction that, if committed in this State, would constitute
16 one of the crimes listed in item (1) or (2) of this subsection.

17 **[(l)] (N)** “Sexually violent predator” means:

18 (1) a person who:

19 (i) is convicted of a sexually violent offense; and

20 (ii) has been determined in accordance with this subtitle to be at
21 risk of committing another sexually violent offense; or

22 (2) a person who is or was required to register every 90 days for life
23 under the laws of another state or a federal, military, or Native American tribal
24 jurisdiction.

25 **[(m)] (O)** “Supervising authority” means:

26 (1) the Secretary, if the registrant is in the custody of a correctional
27 facility operated by the Department;

28 (2) the administrator of a local correctional facility, if the registrant,
29 including a participant in a home detention program, is in the custody of the local
30 correctional facility;

1 (3) the court that granted the probation or suspended sentence, except
2 as provided in item (12) of this subsection, if the registrant is granted probation before
3 judgment, probation after judgment, or a suspended sentence;

4 (4) the Director of the Patuxent Institution, if the registrant is in the
5 custody of the Patuxent Institution;

6 (5) the Secretary of Health and Mental Hygiene, if the registrant is in
7 the custody of a facility operated by the Department of Health and Mental Hygiene;

8 (6) the court in which the registrant was convicted, if the registrant's
9 sentence does not include a term of imprisonment or if the sentence is modified to time
10 served;

11 (7) the Secretary, if the registrant is in the State under terms and
12 conditions of the Interstate Compact for Adult Offender Supervision, set forth in Title
13 6, Subtitle 2 of the Correctional Services Article, or the Interstate Corrections
14 Compact, set forth in Title 8, Subtitle 6 of the Correctional Services Article;

15 (8) the Secretary, if the registrant moves to this State and was
16 convicted in another state of a crime that would require the registrant to register if the
17 crime was committed in this State;

18 (9) the Secretary, if the registrant moves to this State from another
19 state where the registrant was required to register;

20 (10) the Secretary, if the registrant is convicted in a federal, military, or
21 Native American tribal court and is not under supervision by another supervising
22 authority;

23 (11) the Secretary, if the registrant is not a resident of this State and
24 has been convicted in another state or by a federal, military, or Native American tribal
25 court;

26 (12) the Director of Parole and Probation, if the registrant is under the
27 supervision of the Division of Parole and Probation; or

28 (13) the Secretary of Juvenile Services, if the registrant was a minor at
29 the time the act was committed for which registration is required.

30 **[(n)] (P)** "Transient" means a nonresident registrant who enters a county of
31 this State with the intent to be in the State or is in the State for a period exceeding 14
32 days or for an aggregate period exceeding 30 days during a calendar year for a purpose
33 other than employment or to attend an educational institution.

1 (a) In this section, “resident” means a person who [~~lives~~] **HAS A HOME OR**
2 **ANOTHER PLACE WHERE THE PERSON HABITUALLY LIVES LOCATED** in this State
3 when the person:

4 (1) is released;

5 (2) is granted probation;

6 (3) is granted a suspended sentence;

7 (4) receives a sentence that does not include a term of imprisonment;

8 or

9 (5) is released from the juvenile court’s jurisdiction under § 3–8A–07
10 of the Courts Article, if the person was a minor who lived in the State at the time the
11 act was committed for which registration is required.

12 (b) A registrant shall register with the supervising authority:

13 (1) if the registrant is a resident, on or before the date that the
14 registrant:

15 (i) is released;

16 (ii) is granted probation before judgment;

17 (iii) is granted probation after judgment;

18 (iv) is granted a suspended sentence; or

19 (v) receives a sentence that does not include a term of
20 imprisonment;

21 (2) if the registrant was a resident who was a minor at the time the
22 act was committed for which registration is required, within 7 days after the juvenile
23 court’s jurisdiction over the person terminates under § 3–8A–07 of the Courts Article;

24 (3) if the registrant moves into the State, within 7 days after the
25 earlier of the date that the registrant:

26 (i) establishes a temporary or permanent residence in the
27 State; [or]

28 **(II) BEGINS TO HABITUALLY LIVE IN THE STATE; OR**

29 **[(ii)] (III)** applies for a driver’s license in the State; or

1 (4) if the registrant is not a resident, within 14 days after the
2 registrant:

3 (i) begins employment in the State;

4 (ii) registers as a student in the State; or

5 (iii) enters the State as a transient.

6 (c) (1) A child sexual offender shall also register in person with the local
7 law enforcement unit of [the] ANY county where the child sexual offender will reside
8 **OR HABITUALLY LIVE:**

9 (i) within 7 days after release, or within 7 days after the
10 juvenile court's jurisdiction over the person terminates under § 3-8A-07 of the Courts
11 Article, if the child sexual offender is a resident; or

12 (ii) within 7 days after registering with the supervising
13 authority, if the registrant is moving into this State.

14 (2) Within 7 days after registering with the supervising authority, a
15 child sexual offender who is not a resident and has entered the State under §
16 11-704(a)(7) of this subtitle shall also register in person with the local law
17 enforcement unit of the county where the child sexual offender is a transient or will
18 work or attend school.

19 (3) A child sexual offender may be required to give to the local law
20 enforcement unit more information than required under § 11-706 of this subtitle.

21 (d) **(1) A HOMELESS REGISTRANT ALSO SHALL REGISTER IN PERSON**
22 **WITH THE LOCAL LAW ENFORCEMENT UNIT IN ANY COUNTY WHERE THE**
23 **REGISTRANT HABITUALLY LIVES:**

24 **(I) WITHIN 3 DAYS AFTER THE EARLIER OF THE DATE OF**
25 **RELEASE OR AFTER REGISTERING WITH THE SUPERVISING AUTHORITY; AND**

26 **(II) WITHIN 24 HOURS AFTER ENTERING AND REMAINING IN**
27 **A COUNTY.**

28 **(2) AFTER INITIALLY REGISTERING WITH THE LOCAL LAW**
29 **ENFORCEMENT UNIT UNDER THIS SUBSECTION, A HOMELESS REGISTRANT**
30 **SHALL REGISTER ONCE A WEEK IN PERSON DURING THE TIME THE HOMELESS**
31 **REGISTRANT HABITUALLY LIVES IN THE COUNTY.**

32 **(3) THE REGISTRATION REQUIREMENTS UNDER THIS**
33 **SUBSECTION ARE IN ADDITION TO ANY OTHER REQUIREMENTS THE HOMELESS**

1 REGISTRANT IS SUBJECT TO ACCORDING TO THE REGISTRANT'S
2 CLASSIFICATION AS AN OFFENDER, CHILD SEXUAL OFFENDER, SEXUALLY
3 VIOLENT OFFENDER, OR SEXUALLY VIOLENT PREDATOR.

4 (4) IF A REGISTRANT WHO WAS HOMELESS OBTAINS A FIXED
5 ADDRESS, THE REGISTRANT SHALL REGISTER WITH THE APPROPRIATE
6 SUPERVISING AUTHORITY AND LOCAL LAW ENFORCEMENT UNIT WITHIN 3 DAYS
7 AFTER OBTAINING A FIXED ADDRESS.

8 (E) [A] WITHIN 3 DAYS OF ANY CHANGE, A registrant [who changes
9 residences shall send written notice of the change to the State registry within 5 days
10 after the change occurs] SHALL NOTIFY THE LOCAL LAW ENFORCEMENT UNIT
11 WHERE THE REGISTRANT MOST RECENTLY REGISTERED AND THE LOCAL LAW
12 ENFORCEMENT UNIT WHERE THE REGISTRANT WILL RESIDE OR HABITUALLY
13 LIVE OF CHANGES IN:

14 (1) RESIDENCE;

15 (2) THE COUNTY IN WHICH THE REGISTRANT HABITUALLY LIVES;

16 (3) VEHICLE OR LICENSE PLATE INFORMATION;

17 (4) HOME OR CELL PHONE NUMBERS; OR

18 (5) EMPLOYMENT.

19 [(e)] (F) (1) A registrant who commences or terminates enrollment as a
20 full-time or part-time student at an institution of higher education in the State shall
21 send written notice to the State registry within 5 days after the commencement or
22 termination of enrollment.

23 (2) A registrant who commences or terminates carrying on
24 employment at an institution of higher education in the State shall send written notice
25 to the State registry within 5 days after the commencement or termination of
26 employment.

27 [(f)] (G) A registrant who is granted a legal change of name by a court shall
28 send written notice of the change to the State registry within 5 days after the change
29 is granted.

30 (H) (1) A REGISTRANT SHALL NOTIFY THE LOCAL LAW
31 ENFORCEMENT UNIT WHERE THE REGISTRANT RESIDES OR HABITUALLY LIVES
32 WHEN THE REGISTRANT OBTAINS A TEMPORARY RESIDENCE OR ALTERS THE
33 LOCATION WHERE THE REGISTRANT RESIDES OR HABITUALLY LIVES FOR MORE
34 THAN 5 DAYS.

1 **(2) NOTIFICATION UNDER THIS SUBSECTION SHALL:**

2 **(I) BE MADE IN WRITING OR IN PERSON PRIOR TO**
3 **OBTAINING A TEMPORARY RESIDENCE OR TEMPORARILY ALTERING THE**
4 **LOCATION WHERE THE REGISTRANT RESIDES OR HABITUALLY LIVES;**

5 **(II) INCLUDE THE TEMPORARY ADDRESS OR DETAILED**
6 **DESCRIPTION OF THE TEMPORARY LOCATION WHERE THE REGISTRANT WILL**
7 **RESIDE OR HABITUALLY LIVE; AND**

8 **(III) CONTAIN THE ANTICIPATED DATES THAT THE**
9 **TEMPORARY RESIDENCE OR LOCATION WILL BE USED BY THE REGISTRANT.**

10 11-706.

11 (a) A registration statement shall include:

12 (1) the registrant's full name, including any suffix, and **ANY address**
13 **OR PLACE WHERE THE REGISTRANT RESIDES OR HABITUALLY LIVES;**

14 (2) [(i) for a registrant under § 11-704(a)(7)(i) of this subtitle or
15 who is on work release, the registrant's place of employment] **THE NAME AND**
16 **ADDRESS OF THE REGISTRANT'S EMPLOYER AND A DESCRIPTION OF THE**
17 **LOCATION WHERE THE REGISTRANT PERFORMS EMPLOYMENT DUTIES, IF THAT**
18 **LOCATION DIFFERS FROM THE ADDRESS OF THE EMPLOYER; or**

19 [(ii) for a registrant under § 11-704(a)(7)(ii) of this subtitle, the
20 registrant's place of educational institution or school enrollment;]

21 (3) [(i) for a registrant enrolled, or expecting to enroll, in an
22 institution of higher education in the State as a full-time or part-time student, the
23 name and address of the institution of higher education; or

24 (ii) for a registrant who carries on employment, or expects to
25 carry on employment, at an institution of higher education in the State, the name and
26 address of the institution of higher education] **THE NAME OF THE REGISTRANT'S**
27 **EDUCATIONAL INSTITUTION OR PLACE OF SCHOOL ENROLLMENT AND THE**
28 **REGISTRANT'S EDUCATIONAL INSTITUTION OR SCHOOL ADDRESS;**

29 (4) a description of the crime for which the registrant was convicted;

30 (5) the date that the registrant was convicted;

31 (6) the jurisdiction in which the registrant was convicted;

1 (7) a list of any aliases, former names, electronic mail addresses,
2 computer log-in or screen names or identities, instant-messaging identities, and
3 electronic chat room identities that the registrant has used;

4 (8) the registrant's Social Security number;

5 (9) any other name by which the registrant has been legally known;

6 (10) a copy of the registrant's valid driver's license or identification
7 card;

8 (11) the license plate number and description of any vehicle owned or
9 regularly operated by the registrant; [and]

10 **(12) THE PERMANENT OR FREQUENT ADDRESS OR LOCATIONS**
11 **WHERE ALL VEHICLES ARE KEPT;**

12 **(13) THE ADDRESS OF ANY PROPERTY OWNED SOLELY BY THE**
13 **REGISTRANT OR IN WHICH THE REGISTRANT HAS AN OWNERSHIP INTEREST;**

14 **(14) THE CRIMINAL HISTORY OF THE SEX OFFENDER, INCLUDING**
15 **THE DATE OF ALL ARRESTS AND CONVICTIONS, THE STATUS OF PAROLE,**
16 **PROBATION, OR SUPERVISED RELEASE, AND REGISTRATION STATUS; AND**

17 **[(12)] (15)** the registrant's signature and date signed.

18 (b) If the registrant is a sexually violent predator, the registration statement
19 shall also include:

20 (1) identifying factors, including a physical description;

21 (2) anticipated future residence, if known at the time of registration;

22 (3) offense history; and

23 (4) documentation of treatment received for a mental abnormality or
24 personality disorder.

25 11-708.

26 (a) When a registrant registers, the supervising authority shall:

27 (1) give written notice to the registrant of the requirements of this
28 subtitle;

1 (2) explain the requirements of this subtitle to the registrant,
2 including:

3 (i) the duties of a registrant when the registrant changes
4 residence address in this State **OR CHANGES A COUNTY IN WHICH THE**
5 **REGISTRANT HABITUALLY LIVES;**

6 (ii) the duties of a registrant under § 11–705(e) and (f) of this
7 subtitle;

8 (iii) the requirement for a child sexual offender to register in
9 person with the local law enforcement unit of the county where the child sexual
10 offender will reside or where the child sexual offender who is not a resident of this
11 State is a transient or will work or attend school; and

12 (iv) the requirement that if the registrant changes residence
13 address, employment, or school enrollment to another state that has a registration
14 requirement, the registrant shall register with the designated law enforcement unit of
15 that state within 7 days after the change; and

16 (3) obtain a statement signed by the registrant acknowledging that
17 the supervising authority explained the requirements of this subtitle and gave written
18 notice of the requirements to the registrant.

19 (b) (1) The supervising authority shall obtain an updated photograph and
20 fingerprints of the registrant and attach the updated photograph and fingerprints to
21 the registration statement.

22 (2) For a registrant who has not submitted a DNA sample, as defined
23 in § 2–501 of the Public Safety Article, for inclusion in the statewide DNA database
24 system of the Department of State Police Crime Laboratory, the supervising authority
25 shall:

26 (i) obtain a DNA sample from the registrant at the registrant's
27 initial registration; and

28 (ii) provide the sample to the statewide DNA database system of
29 the Department of State Police Crime Laboratory.

30 (3) This subsection does not apply if the registrant is required to
31 register under § 11–704 of this subtitle solely as a result of a misdemeanor conviction.

32 (c) (1) Within 5 days after obtaining a registration statement, the
33 supervising authority shall send a copy of the registration statement with the attached
34 fingerprints and updated photograph of the registrant to the local law enforcement
35 unit in [the] ANY county where the registrant will reside **OR HABITUALLY LIVE** or
36 where a registrant who is not a resident is a transient or will work or attend school.

1 (2) (i) If the registrant is enrolled in or carries on employment at,
2 or is expecting to enroll in or carry on employment at, an institution of higher
3 education in the State, within 5 days after obtaining a registration statement, the
4 supervising authority shall send a copy of the registration statement with the attached
5 fingerprints and updated photograph of the registrant to the campus police agency of
6 the institution of higher education.

7 (ii) If an institution of higher education does not have a campus
8 police agency, the copy of the registration statement with the attached fingerprints
9 and updated photograph of the registrant shall be provided to the local law
10 enforcement agency having primary jurisdiction for the campus.

11 (d) As soon as possible but not later than 5 working days after the
12 registration is complete, a supervising authority that is not a unit of the Department
13 shall send the registration statement to the Department.

14 11-709.

15 (a) (1) (i) Every 3 months within 5 days after a sexually violent
16 predator completes the registration requirements of § 11-707(a) of this subtitle, a local
17 law enforcement unit shall send notice of the sexually violent predator's quarterly
18 registration to the Department.

19 (ii) Every 6 months within 5 days after a child sexual offender
20 completes the registration requirements of § 11-707(a) of this subtitle, a local law
21 enforcement unit shall send notice of the child sexual offender's biannual registration
22 to the Department.

23 (2) Every 6 months, a local law enforcement unit shall send a child
24 sexual offender's and sexually violent predator's updated photograph to the
25 Department within 6 days after the photograph is submitted.

26 (b) (1) As soon as possible but not later than 5 working days after
27 receiving a registration statement of a child sexual offender or notice of a change of
28 address of a child sexual offender, **OR CHANGE IN A COUNTY IN WHICH A**
29 **HOMELESS CHILD SEXUAL OFFENDER HABITUALLY LIVES**, a local law enforcement
30 unit shall send written notice of the registration statement [or], change of address, **OR**
31 **CHANGE OF COUNTY** to the county superintendent, as defined in § 1-101 of the
32 Education Article, and all nonpublic primary and secondary schools in the county
33 within 1 mile of where the child sexual offender is to reside **OR HABITUALLY LIVE** or
34 where a child sexual offender who is not a resident of the State is a transient or will
35 work or attend school.

36 (2) As soon as possible but not later than 10 working days after
37 receiving notice from the local law enforcement unit under paragraph (1) of this
38 subsection, the county superintendent shall send written notice of the registration

1 statement to principals of the schools under the superintendent's supervision that the
2 superintendent considers necessary to protect the students of a school from a child
3 sexual offender.

4 (c) A local law enforcement unit that receives a notice from a supervising
5 authority under this subtitle shall send a copy of the notice to the police department, if
6 any, of a municipal corporation if the registrant:

7 (1) is to reside **OR HABITUALLY LIVE** in the municipal corporation
8 after release;

9 (2) escapes from a facility but resided **OR HABITUALLY LIVED** in the
10 municipal corporation before being committed to the custody of a supervising
11 authority; or

12 (3) is to change addresses to another place of residence within the
13 municipal corporation.

14 (d) As soon as possible but not later than 5 working days after receiving
15 notice from a local law enforcement unit under this section, a police department of a
16 municipal corporation shall send a copy of the notice to the commander of the local
17 police precinct or district in which the child sexual offender is to reside **OR**
18 **HABITUALLY LIVE** or where a child sexual offender who is not a resident of the State
19 will work or attend school.

20 (e) As soon as possible but not later than 5 working days after receiving a
21 notice from a supervising authority under this subtitle, a local law enforcement unit
22 shall send a copy of the notice to the commander of the law enforcement unit in the
23 district or area in which the child sexual offender is to reside **OR HABITUALLY LIVE**
24 or where a child sexual offender who is not a resident of the State will work or attend
25 school.

26 (f) A local law enforcement unit may notify the following entities that are
27 located within [the] A community in which a child sexual offender is to reside **OR**
28 **HABITUALLY LIVE** or where a child sexual offender who is not a resident of the State
29 will work or attend school of the filing of a registration statement or notice of change
30 of address **OR COUNTY WHERE THE REGISTRANT WILL HABITUALLY LIVE** by the
31 child sexual offender:

32 (1) family day care homes or child care centers registered or licensed
33 under Title 5, Subtitle 5 of the Family Law Article;

34 (2) child recreation facilities;

35 (3) faith institutions; and

1 (4) other organizations that serve children and other individuals
2 vulnerable to child sexual offenders.

3 **(G) AS SOON AS POSSIBLE, BUT NOT LATER THAN 3 WORKING DAYS**
4 **AFTER RECEIPT OF A REGISTRANT'S CHANGE OF RESIDENCE OR CHANGE IN A**
5 **COUNTY IN WHICH THE REGISTRANT HABITUALLY LIVES, THE LOCAL LAW**
6 **ENFORCEMENT UNIT SHALL NOTIFY THE DEPARTMENT OF THE CHANGE.**

7 11-710.

8 (a) As soon as possible but not later than 5 working days after receipt of
9 notice of a registrant's change of address **OR NOTICE THAT A COUNTY WHERE THE**
10 **REGISTRANT HABITUALLY LIVES HAS CHANGED**, the Department shall give notice
11 of the change:

12 (1) if the registration is premised on a conviction under federal,
13 military, or Native American tribal law, to the designated federal unit; and

14 (2) (i) to the local law enforcement unit in whose county the new
15 residence is located **OR WHERE THE REGISTRANT INTENDS TO HABITUALLY LIVE;**
16 or

17 (ii) if the new residence **OR LOCATION WHERE THE**
18 **REGISTRANT WILL HABITUALLY LIVE** is in a different state that has a registration
19 requirement, to the designated law enforcement unit in that state.

20 (b) (1) (i) As soon as possible but not later than 5 working days after
21 receipt of notice under § 11-705(e) of this subtitle, the Department shall give notice to
22 the campus police agency of the institution of higher education where the registrant is
23 commencing or terminating enrollment or employment.

24 (ii) If an institution of higher education does not have a campus
25 police agency, the notice required under this section shall be provided to the local law
26 enforcement agency having primary jurisdiction for the campus.

27 (2) Institutions of higher education currently required to disclose
28 campus security policy and campus crime statistics data shall advise the campus
29 community where law enforcement agency information provided by a state concerning
30 registered sex offenders may be obtained.

31 (3) An institution of higher education is not prohibited from disclosing
32 information provided to the institution under this subtitle concerning registered sex
33 offenders.

34 (c) As soon as possible but not later than 5 working days after receipt of
35 notice under § 11-705(f) of this subtitle, the Department shall give notice of the
36 change of name:

1 (1) if the registration is due to a conviction under federal, military, or
2 Native American tribal law, to the designated federal unit;

3 (2) to the local law enforcement unit in whose county the registrant
4 resides **OR HABITUALLY LIVES** or where a registrant who is not a resident of the
5 State will work or attend school; and

6 (3) if the registrant is enrolled in or employed at an institution of
7 higher education in the State, to:

8 (i) the campus police agency of the institution of higher
9 education; or

10 (ii) if the institution does not have a campus police agency, the
11 local law enforcement agency having primary jurisdiction for the campus.

12 11-717.

13 (a) (1) The Department shall make available to the public registration
14 statements or information about registration statements.

15 (2) Information about registration statements shall include, in plain
16 language that can be understood without special knowledge of the criminal laws of the
17 State, a description of the crime of the offender that is the basis for the registration,
18 excluding details that would identify the victim.

19 (b) The Department may post on the Internet a current listing of each
20 registrant's name, crime, and other identifying information.

21 (c) The Department, through an Internet posting of current registrants,
22 shall allow the public to electronically transmit information the public may have about
23 a registrant to the Department, a parole agent of a registrant, and the local law
24 enforcement unit where a registrant resides **OR HABITUALLY LIVES** or where a
25 registrant who is not a resident of the State will work or attend school.

26 (d) The Department shall allow members of the public who live in [the] A
27 county in which the registrant is to reside **OR HABITUALLY LIVE** or where the
28 registrant, if not a resident of the State, will work or attend school, by request, to
29 receive electronic mail notification of the release from incarceration of a registered
30 offender and the registration information of the offender.

31 (e) The Department shall establish regulations to carry out this section.

32 11-718.

1 (a) (1) If the Department or a local law enforcement unit finds that, to
2 protect the public from a specific registrant, it is necessary to give notice of a
3 registration statement [or], a change of address of the registrant, **OR A CHANGE IN A**
4 **COUNTY IN WHICH A REGISTRANT HABITUALLY LIVES** to a particular person not
5 otherwise identified under § 11–709 of this subtitle, then the Department or a local
6 law enforcement unit shall give notice of the registration statement to that person.

7 (2) This notice is in addition to the notice required under §
8 11–709(b)(1) of this subtitle.

9 (b) (1) The Department and local law enforcement units shall establish
10 procedures to carry out the notification requirements of this section, including the
11 circumstances under and manner in which notification shall be provided.

12 (2) Appropriate notification procedures include those identified in §
13 11–709 of this subtitle.

14 (c) A local law enforcement unit and the Department may not release the
15 identity of a victim of a crime that requires registration under this subtitle.

16 (d) A disclosure under this section does not limit or prohibit any other
17 disclosure allowed or required under law.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2010.